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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,182

11/13/2003

Merrill Brooks Smith

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,182	<b>Applicant(s)</b> SMITH, MERRILL BROOKS	
	<b>Examiner</b> Allyson N. Trail	<b>Art Unit</b> 2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38, 40-58 and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 38, 40-58, 61, 63 and 64 is/are allowed.
- 6) ☒ Claim(s) 14-37 is/are rejected.
- 7) ☒ Claim(s) 62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Amendment***

1. Receipt is acknowledged of the Amendment filed April 28, 2006.

### ***Remarks***

2. Claims 1-38, 40-58, and 60-64 are currently pending. Independent claims 1, 14, 34, 38, and 60 have been amended and claims 39 and 59 have been cancelled. In the previous Office action, claim 39 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Currently amended claims 38 and 60 include the allowable subject matter indicated in claim 39.

Additionally, claim 1 includes similar allowable subject matter.

### ***Claim Objections***

3. Claim 62 is objected to because of the following informalities:

Claim 62 currently depends on cancelled claim 59.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Stoutenburg et al (2003/0222135), hereinafter Stoutenburg.

With respect to claims 14 and 34, Stoutenburg teaches a point of sale (POS) device 130, which is able to read bar codes. The bar codes identify products and the bar code reader transfers the information to a central database.

Stoutenburg further teaches printing bar codes on receipts, which in turn are associated with a product or service that was sold to the customer. (Paragraph 0088).

More specifically, Stoutenburg teaches purchasing a prepaid phone card from a point of sale terminal. Discussed in paragraphs 0153-0158, Stoutenburg discloses choosing a certain prepaid phone card, swiping that phone card through the (POS) card reader, issuing the prepaid card to the customer, and providing a printed PIN to the customer that is associated with the purchased prepaid calling card.

With respects to claims 14 and 34 the prepaid phone card is considered the keycard. The chosen phone card is selected by the customer from a plurality of available phone cards. The phone card (keycard) is associated with a product identification number – the actual account number stored in the central database. The product identification number is input from the phone (key) card at the POS terminal. The ID number is transmitted from the POS terminal to a central processor. A transaction confirmation from the central processor is received at the POS terminal and the confirmation is associated with the account or production ID number.

With respect to claims 15 and 35 Stoutenburg teaches issuing a printed PIN, which is associated with the prepaid calling card. "In addition, the new value account

can be marked as active and a PIN for accessing the new value account using the card can either be mailed to the customer at a provided address, or provided immediately to the customer via POS device 130. Where the PIN is provided to the customer via POS device 130, it is transferred to POS device 130 via communication network 120, and a receipt printed and provided to the customer using a roll printer associated with POS device 130.” (Paragraph 0157).

As discussed above, with respect to claims 16, 21, 22, and 37, Stoutenburg teaches the PIN being associated with a prepaid calling card. The customer is made aware that the PIN is used in association with the card.

With respect to claims 17 and 18, Stoutenburg teaches the various stored value cards including barcodes for storing an identifier. (Paragraph 0130). As discussed above, Stoutenburg teaches the POS terminal including a barcode reader for reading stored identifiers.

With respect to claim 19, Stoutenburg teaches in paragraph 0130 the stored value card additionally being capable of storing identification information in the form of a magnetic strip.

With respect to claims 14 and 20, Stoutenburg teaches associating the phone card with a specific provider and a specific value. Paragraph 0148 discusses the customer choosing the amount of stored value and the merchant entering that amount in the POS terminal. Starting in paragraph 0140, it is disclosed how the phone card is associated with a specific provider.

With respect to claims 23-33, Stoutenburg teaches a stored value card being associated with multiple varieties. Stoutenburg specifically teaches gift cards, phone cards, prepaid credit cards, however also teaches that any variety of cards are possible and is not limited. (Paragraph 0135).

With respect to claim 36, Stoutenburg teaches changing the value of a stored value account. (Paragraph 0147).

Additionally, as discussed above, Stoutenburg teaches printing bar codes on receipts, which in turn are associated with a product or service that was sold to the customer. (Paragraph 0088).

#### ***Allowable Subject Matter***

6. Claims 1-13, 38, 40-58, 61, 63, and 64 are allowable over prior art.

The following is an examiner's for allowance: Stoutenburg teaches a method for automating a transaction request including selecting a keycard from among multiple keycards, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 1-13, 38, 40-58, 61, 63, and 64 of the present claimed invention. Prior art fails to teach the merchant retaining the keycard after the delivering or inputting step. Moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

#### ***Response to Arguments***

7. Applicant's arguments in regards to claims 14-37, filed April 28, 2006 have been fully considered but they are not persuasive. As indicated above, prior art fails to teach the method for automating a transaction request wherein the keycard is retained by the

merchant after either the inputting step or the delivering step. Independent claims 14 and 34 however, only claim that the keycard is retained by the merchant and it is not specified at what point the keycard is retained. Because the keycard is purchased at the merchant's store, it is clear that at some point the keycard is retained by the merchant. Additionally, Stoutenburg teaches inputting the product identification number from the keycard at the merchant terminal by scanning the magnetic stripe located on the keycard at the point of sale terminal.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
June 5, 2006

  
STEVEN S. PAIK  
PRIMARY EXAMINER